

Rule of Law Discussion: Lesson Plan
State v. Torres* and *State v. Hendrix*, consolidated with *State v. Chadwick
Oral Argument before the New Mexico Supreme Court
By: Justice David K. Thomson

Objective:

To introduce New Mexico students to the legal system and legal ideas through analyzing case law and discussion.

Grade Level:

6-12

Time:

One class period (50 Minutes)

Before Class:

1. Review and read the materials below

Materials:

Introduction

Today, you will see an oral argument at the New Mexico Supreme Court. An oral argument takes place after a person, or party, disagrees with a lower court Judge or Jury's decision on a case. These cases started out in the Twelfth Judicial District Court. Then, they were appealed to the Court of Appeals, and finally, to the Supreme Court. The Supreme Court is often the last chance to get a good result in the state court system.

The parties make their arguments in two ways: first, in writing, in a document called a brief, and second, verbally, at the oral argument. An oral argument is a chance for the attorneys to present, or argue, their points of view. Each party has a limited amount of time to argue. After each party finishes, the Justices can ask questions about the case. Attorneys make specific arguments that they think are the most important. The parties here are the State of New Mexico, which is the Appellant, and the criminal defendants, Torres, Hendrix, and Chadwick, who are the Appellees. An appellant is the party who asks a higher court to reverse, or change, a lower court's decision. An appellee is the party who responds to that appeal.

Normally, the appellant goes first, then the appellee. Once the appellee finishes, the appellant usually gets time to add anything that might have come up during the appellee's argument. During each party's argument, the Justices may interrupt to ask questions. After the arguments are finished, the Justices may decide to ask additional questions before they go to a separate area to deliberate on, or discuss, how to decide the case. As you watch, it may be helpful to write down questions that you would ask the parties if you were a Justice deciding this case.

Relevant Terms

Consolidate: to join two or more similar cases together so that they can be decided at the same time.

Double Jeopardy Clause: part of the U.S. Constitution that protects criminal defendants from, among other things, receiving multiple punishments for the same crime.

Interlocutory Appeal: an appeal in the middle of a case or before a case is finished.

Quantum of Punishment: “the [amount] of punishment that an offender deserves for any given offense.”¹

Single-Larceny Doctrine: a rule applied when the law about multiple punishments is not clear. Under this rule, a defendant who steals several items from the same person at the same time and in the same place only commits one act of theft, or larceny.

Unit of Prosecution: the number of times that lawmakers wanted a law defining a crime to punish a person for committing that crime.²

Facts of the Cases

The appellees, Torres, Hendrix, and Chadwick, were employees at two different cattle companies in Otero County, New Mexico. Torres was charged with stealing eighteen (18) calves on two separate occasions in 2017. The charge was larceny of livestock, also known as livestock theft, or cattle rustling (30-16-1(G) NMSA 1978). He was charged with eighteen counts of this crime, once for each calf. Hendrix and Chadwick were charged with stealing twenty-five (25) unbranded cattle from their place of employment. Both men were charged with larceny of livestock, with twenty-five counts each.

In District Court, Torres made a request to merge his eighteen counts of larceny into one, which the judge granted. Hendrix and Chadwick also filed motions, or requests to merge their counts of larceny into one in their respective cases and this was granted. When the Torres and Hendrix cases reached the Court of Appeals, they were consolidated, or combined, because the cases had similar facts and legal questions. The Court of Appeals agreed with the District Court on combining the separate counts of larceny into one count in these cases. The State of New Mexico appealed these cases to the Supreme Court of New Mexico and the Supreme Court combined these cases into one case for review of the lower courts’ decisions.

¹ Paul H. Robinson, *Empirical Desert and the Moral Economy of Punishment*, 42 Ariz. St. LJ. 1123, 1124

² Christina M. Copsey, *How Many is “Any”? : Interpreting § 2252A’s Unit of Prosecution for Child Pornography Possession*, 62 Am. U. L. Rev. 1675, 1678-1679 (2013).

Legal Questions

1. Does stealing livestock at one place and time count as one act of larceny, regardless of how many animals are stolen?
2. What does the legislative purpose, severity of punishment prescribed, structure and history of the larceny of livestock statute show?
3. Did the District Court judges make a mistake when they merged the unit of prosecution into one count per act of cattle rustling?
4. Did the District Court judges make a mistake when they relied on the word “livestock” and its vagueness to decide?
5. Did the Court of Appeals make a mistake when it affirmed the District Court judges’ decisions in all three cases?
6. Did the Court of Appeals (and the District Court judges) make a mistake when they relied on the Single-Larceny Doctrine to decide?

Discussion Questions

1. To what extent does the number of cows stolen affect the severity of punishment? To what extent do you think it should?
2. How might the state border with Texas affect the practice of cattle rustling?
3. Do you think livestock theft should be treated differently than theft of non-living property? If so, how?
4. What is the role of the lawmakers and the Supreme Court in this case?
5. Should the lawmakers or the court system decide this question? Why?
6. If you were a Justice deciding this case, what facts would be most important to you?
7. If you were a Justice on this case, what different kinds of facts would change your decision?
8. This case started in front of one judge and was just heard before five Justices. What do you see as the differences between the role of the judge and the role of the Justices?
9. How could this decision affect future cases?
10. How would you describe the way the lawyers and Justices acted? How would you describe them and their roles in court?
11. Was this like court TV shows? Why or why not?

Activity Idea

Create a public awareness campaign about livestock theft using what you have learned about livestock theft and the images that are provided below.

Images

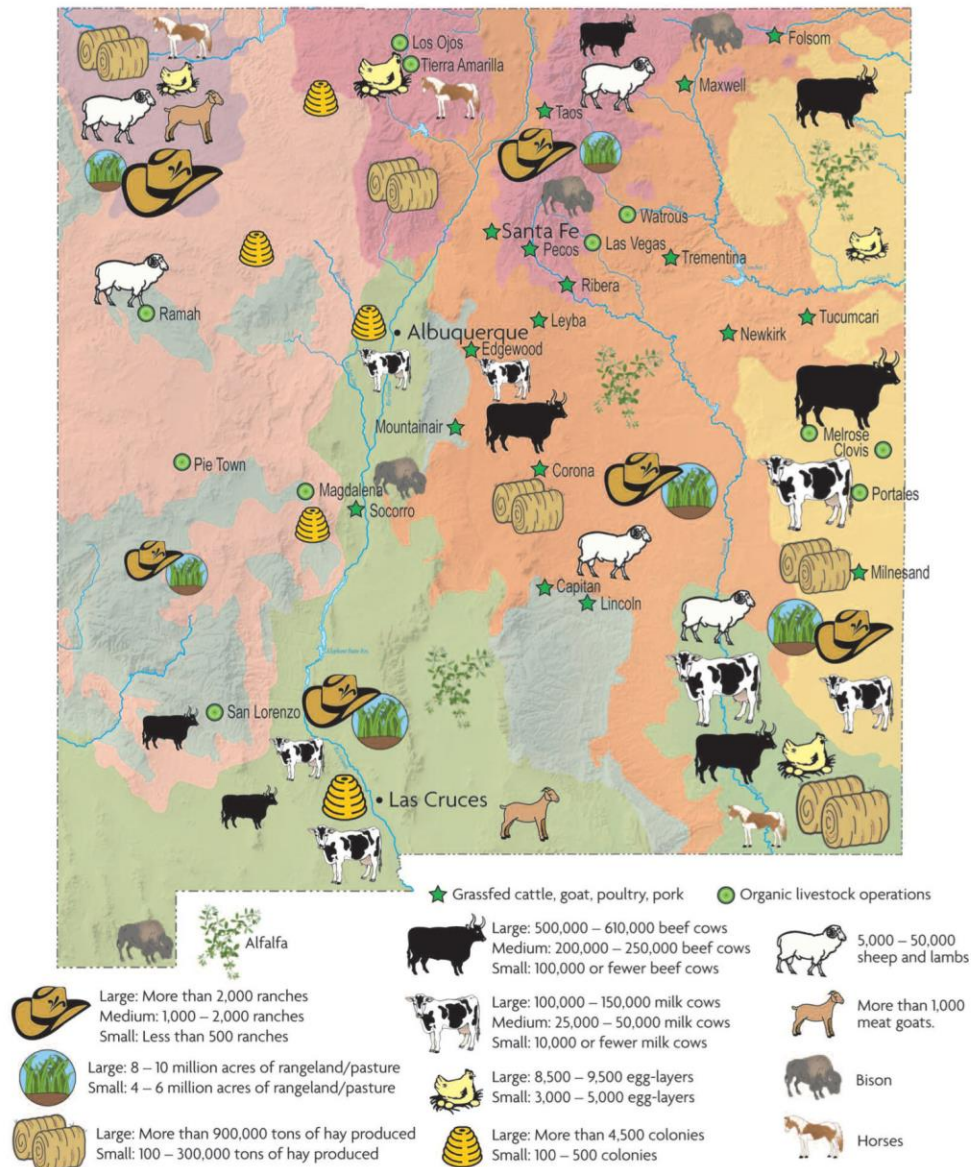
Brand	Brand Owner	Brand Picture	Ear Picture
Master No.: 82834 Expiration: 07/01/2023 Brand Location: RHC NFH	Crossroads Cattle Co., Ltd 5901 Old Fredericksburg Road #A-101 Austin TX 78749		

Available from: <https://www.nmlbonline.com/brandsearch>



From: <https://heritagelandbank.com/announcements/news-events/10-ways-prevent-farm-and-ranch-theft-infographic>

RANCHES, DAIRY AND LIVESTOCK



New Mexico's top three food-related cash receipts are: dairy (about 40% of all ag receipts), beef (over 30%), and hay and silage (over 10%). About 120 dairy "factory farms," concentrated in the High Plains and Lower Rio Grande, supply most of New Mexico's fluid milk with controversial health and environmental consequences. There are about between 9,000 and 9,500 beef ranches of all sizes; and 85 feedlots (both finishing and complete feeding) concentrated in High Plains and Arid Lowlands. Over 90% of dairy products (dry powder milk, cheese, whey) and beef cows leave the State. New Mexico has only one organic dairy, and no more than a total of ten goat dairies and organic/grassfed beef and lamb ranches. **Dreams:** 15% of dairy products come from in-State organic dairies, and 50% of the beef eaten in-State is grassfed, natural or organic; local facilities process the dairy and beef products (e.g., mobile meat processors, yogurt and cheese manufacturers, packing plants), and all CAFOs (concentrated animal feeding operations) follow strict health, environmental and humane animal treatment rules.

From: <https://dreamingnewmexico.bioneers.org/food-farming/new-mexico-livestock/>

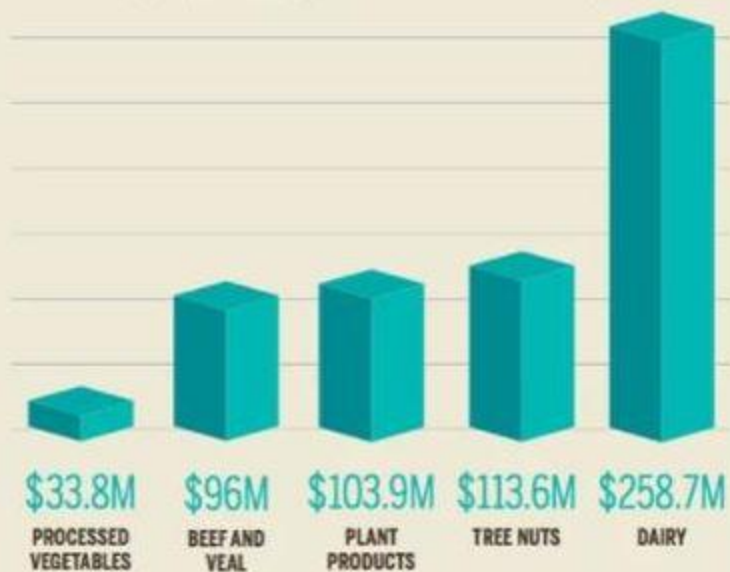
New Mexico is a leader in chile and pecan production, accounting for 33 and 29 percent of the U.S. crop, respectively.



THERE ARE
24,700
FARMS IN NEW MEXICO.

NEW MEXICO'S TOP 5 AGRICULTURE EXPORTS

Ag exports are important to the state's economy.



Sources: 2015 USDA National Agricultural Statistics, 2014 USDA Economic Research Service, 2014 New Mexico Annual Statistics Bulletin, 2012 USDA Census of Agriculture

From: <https://webnew.ped.state.nm.us/wp-content/uploads/2018/10/New-Mexico-Agriculture-Report.pdf>